

**AQAA**  
**DAR COUNCIL ACTIVITY REPORT**  
**17 October 96**

**FAR/DFARS Cases discussed:**

95-301	<b>Irrevocable Letters of Credit (ILC):</b> Implement section 4104(b) of P.L. 103-335 and OFPP Policy Letter 91-4. Revise FAR to provide alternative payment protections construction contracts between \$25,000 and \$100,000 and use of ILCs as security for Miller Act bonds.	Agreed to minor revision of final rule to address late public comment.
96-018	<b>Use of Brand Name Purchase Descriptions:</b> Provide for the use of brand name or equal purchase descriptions.	Agreed to draft proposed rule, review clean 10/23.
96-019	<b>FAR Bond Waivers:</b> Delete expired statutory authority for the Small Business Administration to exempt construction contractors from Miller Act requirements for performance and payments bonds.	Agreed to final rule.
96-D019	<b>DFARS - Bond Waivers:</b> Delete expired statutory authority for DoD to waive Miller Act requirements for performance and payment bonds under 8(a) construction contracts.	Agreed to final rule.
96-D003	<b>Certificate of Competency:</b> Allows differences between the agency and the SBA to be appealed to the SBA Headquarters vice the SBA Central Office for resolution, also changes terminology from regular dealer to nonmanufacturer.	Debated DLA's concerns about "nonmanufacturer." Discuss further 10/23.
96-D022	<b>Aircraft Ejection Seats:</b> Eliminate expired statutory foreign source restriction.	Agreed to final rule.